

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

EDUARDO MANTILLA,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Crim. No. 91-254 (SRC)
Civ. No. 10-487 (SRC)

ORDER

CHESLER, District Judge

This matter comes before the Court on the application by *pro se* Petitioner Eduardo Mantilla (“Petitioner”), for “reconsideration of the Court’s decision denying Petitioner’s Motion attacking the ex post facto violation on his resentencing on April 21, 1997” [docket entry 92]. Petitioner filed a Motion attacking the constitutionality of his resentencing on January 23, 2012 [docket entry 88], and the Court denied the Motion by way of an Order filed on June 26, 2012 [docket entry 89]. Petitioner complains that, after filing the Motion challenging his resentencing, he notified the Court that he would be undergoing surgery, and requested that his Motion be held in abeyance [docket entry 89]. However, the Court did not grant Petitioner’s request to hold the proceedings in abeyance. No opposition having been filed with respect to Petitioner’s Motion, and no hearing having been scheduled, the Court decided the issues raised in Petitioner’s Motion – issues that had been repeatedly raised and addressed by the Court in prior Orders in the criminal and related civil docket – on the papers submitted by Petitioner. Moreover, Petitioner does not now assert any legitimate basis for the Court to reconsider its prior Order. *See* L. Civ. R. 7.1(I) (creating a procedure by which a court may reconsider its decision upon a showing that

dispositive factual matters or controlling decisions of law were overlooked by the court in reaching its prior decision); *see also Bryan v. Shah*, 351 F.Supp.2d 295, 297 (D.N.J. 2005); *Bowers v. Nat'l Collegiate Athletic Assoc.*, 130 F. Supp. 2d 610, 612 (D.N.J. 2001). Petitioner has set forth no extraordinary circumstances warranting re-litigation of his previous challenges to the lawfulness of his resentencing, nor has he shown that any dispositive facts or relevant controlling legal precedent were neglected by the Court in its prior Order.

For these reasons,

IT IS on this 20th day of July, 2012,

ORDERED that Petitioner's application for reconsideration of the Court's June 26, 2012 Order [docket entry no. 92] is **DENIED**.

s/ Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge